



US PTO Customer No. 25280

10/008,201

Case No. 5374

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Randy D. Petrea et al.

Serial Number: 10/008,201

Filed: December 6, 2001

For: **NOVEL SYNTHETIC
HYDROPHOBIC SAND
FORMULATION**

Group Art Unit: 3643
Examiner: J. Gellner

*8
Remarks
ne
Bates
7/29*

RESPONSE TO ADVISORY ACTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JUL 24 2003
GROUP 3600

Sir:

In response to the Advisory Action mailed on June 16, 2003, concerning the Final Office Action mailed on April 28, 2003, Applicants hereby respectfully request entry and due consideration of the following remarks:

REMARKS

Claim 1 is pending within this application. No claims have been added, amended, or deleted.

The Office has sustained its rejection of the only pending claim under 35 U.S.C. § 102(b) as being anticipated by Hirsbrunner. Applicants restate their position that anticipation does not exist in this situation. At best, Hirsbrunner provides a basis of obviousness, although Applicants strongly disagree with any assessment to that effect as